

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2029 - HB 2690**

March 4, 2018

**SUMMARY OF BILL:** Revises several definitions related to student data. Defines informed written consent, mental health assessment, and several other definitions for the purposes of the legislation. Requires parental consent for collection of certain information. Requires parental consent for participation in a mental health assessment or mental health service that is conducted in connection with the local education agency (LEA) or school. Includes response to instruction and intervention (RTI<sup>2</sup>) among the list of assessments which requires informed written consent. Requires de-identification of personally identifiable data. Requires LEAs to give parents the ability to opt their student out of personally identifiable directory information.

**ESTIMATED FISCAL IMPACT:**

**Other Fiscal Impact – Recurring federal funds for K-12 education may be jeopardized as a result of this legislation. The precise amount, if any, cannot be reasonably determined.**

Assumptions:

- Under 20 U.S.C. 1412(a)(3), states are required to develop methods to determine whether children with disabilities are receiving special education, the “child find” provision.
- RTI<sup>2</sup> is used to determine eligibility of students to receive services for learning disabilities.
- Based on information provided by DOE, including RTI<sup>2</sup> in the list of items that constitute a mental health screening that requires written informed consent, could put the state out of compliance with the Individuals with Disabilities Education Act (IDEA) and risk federal funding.
- The amount of federal funding that could be in jeopardy is unknown and dependent upon action of the U.S. Department of Education; however, the FY16-17 ASR identifies \$231,701,150 in federal IDEA funding for K-12 schools.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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